A long way together: the recognition of indigenous interests in the management of the Great Barrier Reef World Heritage Area

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Introduction

Contemporary indigenous interests in the Great Barrier Reef World Heritage Area (GBRWHA) arise from long standing cultural association with and use of the coastal and marine environments of the GBRWHA. The interests of indigenous groups were largely unrepresented until a decade or so ago. Since then the special cultural, spiritual and economic relationship Aboriginal and Torres Strait Islander peoples have with the environment has been recognised at a national and international level as being important for their survival as well as for conservation and ecologically sustainable development. In Australia significant legal and political developments have given visibility and strength to indigenous people's claims to land and access to natural resource management, policy development and implementation. These factors combined with indigenous expectations and a favourable political and social climate have influenced the way in which the Great Barrier Reef Marine Park Authority (GBRMPA) has accommodated indigenous interests in the management of the GBRWHA.

This paper first reviews the nature of indigenous people's relationship to the marine and coastal environments and their contemporary interests in the GBRWHA. Then it outlines the legal and policy context at national and international levels which have influenced relationships between the management of the GBRWHA and indigenous people of the area. Finally, it presents an overview of how the GBRMPA has responded to indigenous demands in the context of its statutory obligations and management arrangements. Achievements and future directions are discussed.

Indigenous people of the Great Barrier Reef World Heritage Area

Coastal Aboriginal peoples and Torres Strait Islanders constitute the indigenous peoples of the GBRWHA. Both groups have significant cultural, historical and economic associations and interests in the GBRWHA.

Aboriginal peoples are known to have occupied the Australian continent for at least 40 000 years with recent archaeological evidence suggesting initial occupation commencing as early as 60 000 years ago (Roberts et al. 1990, 1993). During this period of time the Australian coastline was dynamic with sea levels rising and falling as a result of climatic changes. The last sea level change was a significant rise at the onset of the Holocene, between 12 000 and 8000 years ago. This rise had the effect of submerging coastal areas of land occupied by Aboriginal peoples in what is now the Gulf of Carpentaria and most areas along the Australian continental coastline. It was during this period that Bass Strait was created and the Torres Strait Islands were formed (Campbell 1988; Chappell and Thom 1977). Current archaeological evidence indicates that the permanent occupation of the Torres Strait Islands occurred approximately 2500 years ago (Sing 1989; Campbell 1988). The islands were occupied by seagoing Melanesian people, the descendants of whom are amongst the present day Torres Strait Islanders.

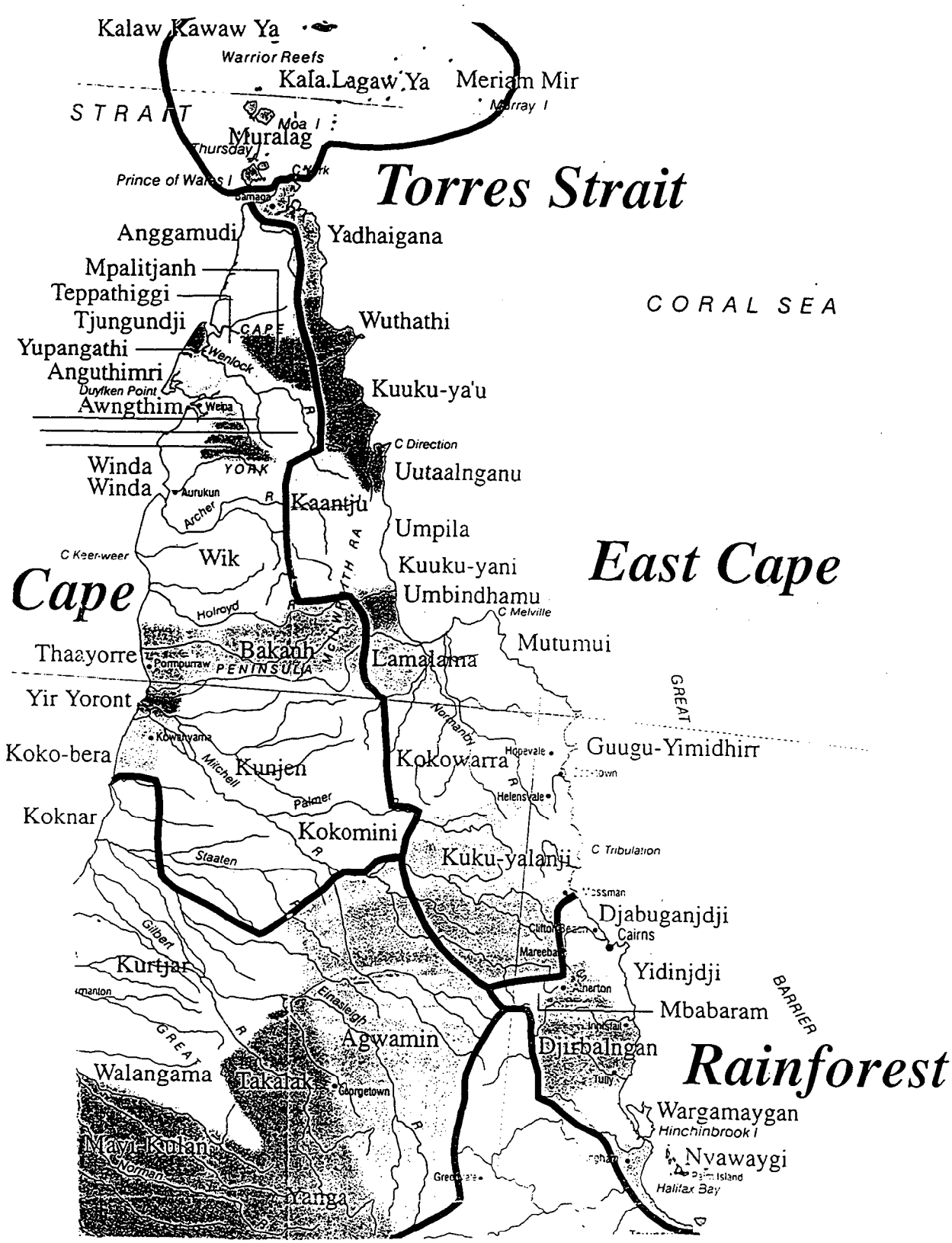

Figure 1. Representation of Aboriginal and Torres Strait Islander language group estates - coastal north Queensland and Cape York Peninsula. Taken from Horton 1994: AIATSIS

The creation of features within the natural environment plays a very important role in story places, story lines and important sites. These pathways are not restricted to any specific place. Story places and story lines can cover a whole clan estate or several clan estates sometimes over hundreds of kilometres. As an example, in the GBRWHA some reefs are identified as wind story places and are believed to be places where winds are generated. Local people have experienced high winds when visiting those places without permission. This gives credibility to those rules associated with these story places. Creation stories link places to people over large tracts of country.

Not all sites have their origin in the Creation stories. Some sites are designated in relation to recent events and people, for example the location of where an indigenous person was lost at sea, or birth places. Such sites while not sacred are of great importance culturally.

Many sites within the Area have no visible signs of cultural association, either historical or contemporary. There are other sites which have archaeological remains like middens, remnant stone fish traps and rock art.

Contemporary use and interest in the Great Barrier Reef World Heritage Area

Subsistence activities

Hunting, fishing and gathering have a significant role in the cultural life and economy of indigenous communities. In remote locations, indigenous people continue to rely on marine resources for a substantial part of their diet. Seafood consumption by Murray Islanders for example is among the highest in the world (Nietchmann 1989). Numerous studies of the contribution of subsistence activities to indigenous welfare and economy have been undertaken in the Northern Territory (Altman 1987; Meehan 1982; Jackson 1995).

Turtle and dugong hunting is an important aspect of the indigenous economy and cultural life in the GBRWHA and is based on collectively accumulated ecological knowledge, skills and continued cultural association with the species (Williams 1996). Under Great Barrier Reef Marine Park (GBRMP) zoning plans dugong and turtle hunting require permits which are granted to indigenous people for customary purposes. However permits may not be required under section 211 of the *Native Title Act 1993* in some areas where 'native title rights and interests exist' (S211(2)(b)).

Little is known about the current status of indigenous fishing and shell collecting in the GBRWHA in terms of effort, impact on the sustainability of resources and contribution to local and regional gross value of fisheries production (Altman, Arthur and Bek 1994; Smith 1987). It is also unclear how significant the contribution of subsistence fishing is to overall fisheries production. A survey undertaken by the Australian Bureau of Statistics in 1994 indicated that 11% of the 49 500 indigenous people involved in unpaid work engaged in hunting, fishing and gathering (Madden 1994).

A recent study of subsistence activities on Cape York Peninsula indicates that as much as 80% of protein is derived from fishing and hunting. This is a significant contribution to the diet, health and economy of people in remote communities where the availability of alternative food items is irregular and often of poorer quality. Some economic analyses of indigenous fishing have been undertaken in the Torres Strait (Atlman et al. 1994), Cape York Peninsula (Asafu-Adjaye 1994), and in the Ingham area (Benzaken et al. in progress). Those studies show that subsistence activities contribute a significant part of the household income, which otherwise consists of payment under the Community Development Employment Programs (CDEP) equivalent to unemployment entitlements.

though the exercise of traditional laws and institutions (Declaration on the rights of Indigenous People, paragraphs 16 to 21, 1985)'

'The need for developing institutional arrangements for integrated coastal management which involve indigenous people to ensure the ecologically sustainable use of marine and coastal resources through establishing a process which empowers indigenous people, strengthens their participation in policy formulation and involvement in natural resource management (Agenda 21 Chapter 26)'

'Recognise the dependence of indigenous people on renewable resources of ecosystems and the need to ensure that indigenous use, values, knowledge and resource management are protected from unsustainable practices (Agenda 21 Chapter 26).'

'Recognise the role of indigenous knowledge and practices in the conservation and sustainable use of biological diversity (convention on biological diversity 1992, Rio Declaration 1992) through ownership of intellectual property (Article 8), protection of customary use of resources in accordance with traditional cultural practices (Article 10) and development of technical and scientific cooperation (Article 18, convention on Biological Diversity).'

'The obligation to protect cultural heritage of World Heritage properties even if listed under natural properties (World Heritage Convention Article 4).'

These principles have been incorporated into national policies and inquiries such as the Australian Law Reform Commission report in the *Recognition of Aboriginal Customary Laws* (1986) the National Strategy for Ecologically Sustainable Development (Ecologically Sustainable Development Steering Committee 1992), the Resource Assessment Coastal Zone Inquiry report (1993), the strategy for the conservation of Australian biodiversity (1993) and in legal instruments such as the Land Acts (Queensland) Act 1991 and the Native Title (Commonwealth) Act 1993. For a review of Commonwealth policies, inquiries recommendations and legislation see Sutherland (1996).

The land acts

In response to its international obligations under the above conventions, and under pressure from indigenous groups to secure legal recognition of their customary ownership of land and sea, Australian Federal and State Governments have passed legislation which makes it possible for Aboriginal and Torres Strait Islander peoples to have their traditional ownership of land recognised.

While traditional claims to land have been recognised in the Northern Territory since 1976, land rights legislation in Queensland was only introduced in 1991. The Queensland Land Acts provide an avenue for traditional owners to claim gazetted vacant crown land, some national parks and Trust Areas known as Deed of Grant in Trust (DOGITs). The Queensland Act also provides for intertidal land to be returned to Aboriginal and Islander ownership. By mid-1994, several former Aboriginal reserves and three coastal National Parks including Cape Melville and Flinders Island had been transferred to Aboriginal ownership.

One important limitation of the Acts is that the Queensland Government retains control over land available for claims. While indigenous rights do not currently include sea rights, the implications for the management agencies responsible for the GBRWHA are substantial as it identifies indigenous owners as important stakeholders and users of the GBRWHA (Smyth 1995).